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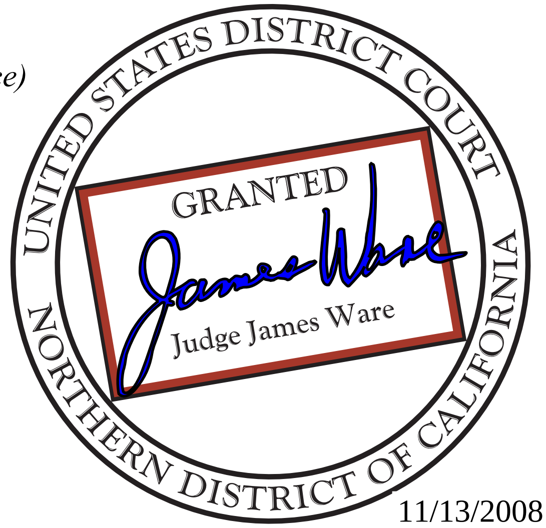

11/13/2008

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

CLRB HANSON INDUSTRIES, LLC d/b/a INDUSTRIAL PRINTING, and HOWARD STERN, on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

GOOGLE, INC.,

Defendant.

Case No. C 05-03649 JW PVT

Hon. James W. Ware

PLAINTIFFS' NOTICE OF MOTION AND ADMINMISTRATIVE MOTION UNDER LOCAL RULE 79-5(d) FOR LEAVE TO FILE UNDER SEAL PORTIONS OF DOCUMENTS DUE TO CONFIDENTIAL DESIGNATIONS BY DEFENDANT GOOGLE, INC.

Civ. L.R. 79-5(d)
Courtroom: 8
Judge: Hon. James W. Ware

Dockets.Justia.com

PLEASE TAKE NOTICE that Plaintiffs CLRB Hanson Industries, LLC d/b/a Industrial Printing and Howard Stern respectfully submit this administrative motion pursuant to Civil Local Rule 79-5(d) to place under seal portions of Plaintiffs' Opposition to Google's Motion for Partial Summary Judgment ("Plaintiffs' Opposition") and Exhibit 1 to the supporting Declaration of Rachel S. Black dated November 7, 2007 ("Black Declaration"). The highlighted/redacted statements within Plaintiffs' Opposition refer to and/or quote portions of the Declaration of Adam Samet filed in support of Google's Motion for Summary Judgment, which Google considers to be confidential, proprietary or trade secret information. *See* 9/5/08 Declaration of David T. Biderman (Docket Item No. 235). The highlighted/redacted portions of Plaintiffs' Opposition also refer to and/or quote Mr. Samet's October 13, 2008 deposition testimony, which Defendant Google, Inc., has designated "Confidential - Trade Secret Attorneys' Eyes Only" pursuant to the Stipulated Protective Order filed on March 2, 2007 and executed by this Court (with amendments) on May 15, 2007. Exhibit 1 to the Black Declaration attaches portions of the transcript.

Accordingly, pursuant to Local Rule 79-5, Plaintiffs are filing the instant motion. Please note that under Local Rule 79-5(d), within five days of this filing Defendant must file with the Court and serve a declaration establishing that the designated information is sealable, and must lodge and serve a narrowly tailored proposed sealing order, or must withdraw the designation of confidentiality. If Defendant does not file its responsive declaration as required by Rule 79-5(d), the filings referenced above will be made part of the public record.

Dated: November 10, 2008

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By s/Rachel S. Black
Rachel S. Black
Attorneys for Plaintiffs

IT IS SO ORDERED:

The Court GRANTS the request to file the designated documents under seal.

Dated: November 13, 2008

James Ware
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on the date written above, that I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system. The Court or the CM/ECF system will send notification of such filings to all CM/ECF participants.

I further certify that a true and correct copy of this document was sent via U.S. first-class mail, postage pre-paid to all non-CM/ECF participants.

s/ Rachel S. Black